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### ***REMARKS***

This is a full and timely response to the outstanding Office action mailed January 11, 2006. Claims 1-27 are pending.

#### **I. Present Status of Patent Application**

The priority claim as a continuation of U.S. Patent No. 6,292,568 has been denied as all of claims 1-27 are allegedly not solely directed to originally supported subject matter present in the parent application. Claims 1-27 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Unger* (U.S. Publication No. 2003/0026423). Claims 1, 13, and 23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 7 of copending application number 10/602,988. To the extent that these rejections have not been rendered moot by the cancellation of claims, they are respectfully traversed.

#### **II. Claim to Priority**

The priority claim as a continuation of U.S. Patent No. 6,292,568 ("the '568 patent") has been denied as all of claims 1-27 are allegedly not solely directed to originally supported subject matter present in the parent application. The specifications of the present application and parent application, U.S. Patent No. 6,292,568 are substantially identical. The Office Action suggests that subject matter of claims 1-27 is allegedly not supported in the parent application, namely, a partially encrypted stream.

However, the specification discloses, in one non-limiting embodiment, that "[e]ach elementary stream may be individually encrypted and the resulting encrypted streams are sent to MUX 200 to be combined with other elementary streams and private data, such as conditional access data." *the '568 patent*, col. 6, lines 24-28. Applicant respectfully submits that this passage discloses partial encryption. Additionally, at col. 18, lines 52-55, the specification discloses another non-limiting embodiment in which "[a]ny part or all of MPEG-1 transport stream 701

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may be encrypted, except that packet headers and adaptation fields are never encrypted.”

Applicant respectfully submits that this passage also discloses partial encryption.

Applicant respectfully submits that each element of claims 1-27 are disclosed in the instant application and the parent application which has matured into U.S. Patent No. 6,292,568. Therefore, the priority claim for claims 1-27 should be corrected to the effective filing date of the ‘568 patent. Additional support for the feature can be found in provisional patent application 60/054,575, which discloses that “[a]ny part or all of MPEG-2 transport stream 701 may be encrypted.” See Provisional page 28, lines 25-26.

### **III. Examiner Interview**

Applicant first wishes to express sincere appreciation for the time that Examiner Chai spent with Applicant’s representatives Jeff Kuester and Benjie Balser during a March 22, 2006, telephone discussion regarding the above-identified Office Action. Applicant believes that various features described in the patent application and recited in the claims, including the claim of priority to U.S. Patent No. 6,292,568, were discussed during the telephone discussion, and that the outcome of this discussion is addressed herein. During that conversation, Examiner Chai seemed to indicate that it would be potentially beneficial for Applicant to file this amendment and response. Thus, Applicant respectfully requests that Examiner Chai carefully consider this amendment and response.

### **IV. Rejection of Claims 1, 13, and 23 for Obviousness Type Double-Patenting**

Claims 1, 13, and 23 are provisionally rejected under obviousness-type double patenting as allegedly being unpatentable over claims 1, 13, and 23 of copending Application No. 10/602,988. Applicant is filing herewith a provisional terminal disclaimer to obviate this double-patenting rejection.

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**V. Rejections Under 35 U.S.C. §102(e)**

Claims 1-27 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Unger*. As priority for claims 1-27 has been established to the filing date of the provisional application, namely August 1, 1997, *Unger* is unavailable as a reference under 35 U.S.C. §102(e). Therefore, the rejection should be withdrawn and the claims allowed.

**VI. Miscellaneous Issues**

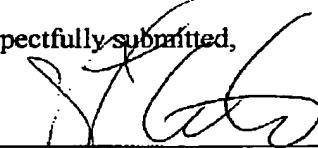
Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

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***CONCLUSION***

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-27 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

  
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